

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE:

June 24, 2009

AGENDA DATE:

July 1, 2009

PROJECT ADDRESS: 505 Wentworth Avenue (MST2007-00345)

TO:

Staff Hearing Officer

FROM:

Planning Division, (805) 564-5470

Danny Kato, Project Planner DAK

Kelly Brodison, Assistant Planner

I. **PROJECT DESCRIPTION**

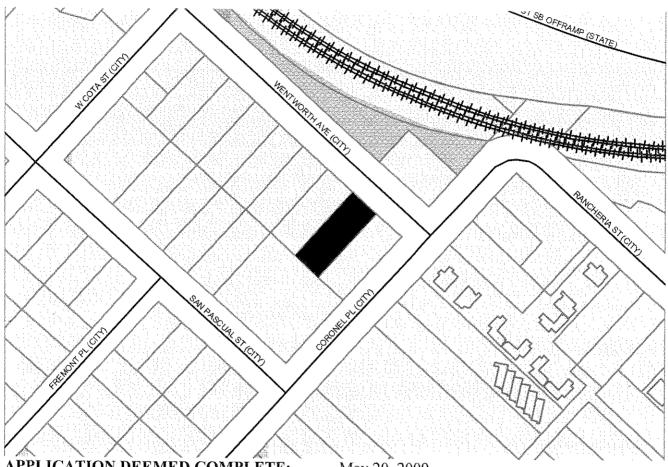
The project consists of a proposal to construct a new 4,037 square foot, two-story building consisting of three (3) new residential condominiums on an existing 6,500 square foot vacant lot in the R-3 Zone. The units would range in size between 850 square feet for the one-bedroom and 980 square feet for the two (2) two-bedroom units. An attached two-car garage is proposed for each unit. Approximately 257 cubic yards of grading is proposed for foundation preparation.

II. REQUIRED APPLICATIONS

The discretionary application required for this project is a Tentative Subdivision Map for a one-lot subdivision to create three (3) residential condominium units (SBMC 27.07 and 27.13);

III. RECOMMENDATION

The proposed project conforms to the City's Zoning and Building Ordinances and policies of the General Plan. In addition, the size and massing of the project are consistent with the surrounding Therefore, Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section VII of this report, and subject to the conditions of approval in Exhibit A.



APPLICATION DEEMED COMPLETE: May 20, 2009 DATE ACTION REQUIRED PER MAP ACT: August 8, 2009

IV. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant: Jose Esparza	Property Owner:	Wentworth Investors, LLC		
Parcel Number: 037-143-010	Lot Area:	6,500 sq. ft.		
General Plan: Residential 12 units/acre	Zoning:	R-3		
Existing Use: vacant lot	Topography:	flat		
Adjacent Land Uses:				
North West - Residential	South Eas	South East - Duplex		
South West - Apartment Complex	North Eas	North East - Residential		

B. PROJECT STATISTICS

	Existing	Proposed Unit 1	Proposed Unit 2	Proposed Unit 3
Living Area	N/A	847	977	985
Garage	N/A	410	409	409

V. ZONING ORDINANCE CONSISTENCY

Standard	Requirement/ Allowance	Existing	Proposed
Setbacks -Front -Interior -Rear	10' 6' 6' - 1 st story $10' - 2^{nd}$ story	N/A N/A N/A	10' 6' 6' - 1 st story 10' - 2 nd story
Building Height	3 stories & 45'	N/A	2 stories & 24'-6"
Parking	6 covered	N/A	6 covered
Lot Area Required for Each Unit (Variable Density)	1-Bdrm = 1,840 sq. ft. 2-Bdrm = 2,320 sq. ft. 3-Bdrm = 2,800 sq. ft.	6,500 sq. ft.	(1) 1,840 sq. ft. (2) 2,320 sq. ft. Total Rqd.: 6,480
15% Common Open Yard Area	975 sq. ft.	N/A	1,099 sq. ft.
Lot Coverage -Building -Paving/Driveway -Landscaping	N/A N/A N/A	Vacant Lot	2,315 sq. ft. 35.6% 2,285 sq. ft. 35.2% 1,900 sq. ft. 29.2%

Using Variable Density, lots in the R-3 Zone may be used as a building site for more units than the minimum allowed if the number of bedrooms in the dwelling unit are limited. For one

bedroom units 1,840 square feet of lot is required and for 2 bedroom units 2,320 square feet of lot area is required. The lot is 6,500 square feet in size, which can accommodate the three proposed units in accordance with the variable density ordinance.

The proposed project would meet the requirements of the R-3 Multiple-Family Residence Zone with regard to parking requirements, setbacks, density, open yard and private yard requirements, building height, and the Solar Ordinance.

Inclusionary Housing Ordinance

New construction of fewer than 10 units is subject to the Inclusionary Housing Ordinance Fee of \$18,000.00 per unit (28.43.070.D). However for projects of less than 5 units, the first unit is exempt from the fee, therefore, only two units are subject to the 18,000.00 fee. In addition, because the units are less than 1,100 square feet in size, the in lieu-fee is reduced by 25%. Therefore, the required Inclusionary Housing Ordinance Fee for this project is \$27,000.00

VI. ISSUES

A. ENVIRONMENTAL REVIEW

Archaeological Resources: The project site is located within the Hispanic-American Transition Period, (1850-1870), American Period, (1870-1900), and the Early 20th Century, (1900-1920) Cultural Resource Sensitivity Zones. Per the requirements of the City's Master Environmental Assessment, a Phase 1 Archaeological Resources Report was prepared by Western Points Archaeology. This Report was reviewed and accepted by the Historic Landmarks Commission on April 1, 2009. The report determined that there is minimal potential for encountering archaeological deposits during future ground disturbances and no further archaeological work is necessary or recommended at this time. The standard condition of approval related to unanticipated archaeological resources has been included.

Water Quality: The applicant submitted a Preliminary Hydrology and Hydraulics Study prepared by Florez Engineering, Inc. dated October 2008. The report concluded that the site has been designed to manage runoff from a 25-year and 100-year storm events using proposed grading designs and underground chambers to store any increase in runoff and to control outflow, so as not too exceed the existing flow rate. The 100-year event overflow is routed to Wentworth Avenue once the detention basin becomes full or inlets are clogged.

In addition, Staff has conditioned the project so that roof gutters and down spouts are to be directed to the proposed retention basin/storm chambers. The walkways' pavers and driveway surface shall be designed to be pervious to increase the site's storm water infiltration capability, and the landscaped areas are required to be graded as depressed/swale areas to capture storm water, further enabling storm water infiltration.

Conclusion: Staff and the Environmental Analyst have determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15303 (New Construction of Small Structures) and 15315 (Minor Land Divisions).

B. PHYSICAL STANDARDS FOR NEW CONDOMINIUMS

In addition to the requirements of the zone in which a project is located, physical standards are required for all new condominium projects per SBMC 27.13.060. The project would meet the parking standard with: two covered parking spaces for each unit, separate utility meters, individual laundry facilities and 200 cubic feet of enclosed lockable private storage space. Finally, the project would also meet the minimum requirements for density, unit size and outdoor living space

C. DESIGN REVIEW

This project was reviewed by the ABR on three occasions (meeting minutes are attached as Exhibit D). On August 13, 2007 the project was review for the first time and the Board found the second story massing to be excessive, exacerbated by the unnecessary volume of the tower elements, and overhanging balcony. The Board requested that the applicant step the second floor back to provide a better street relationship, and provide a significant street presence at the front unit.

The applicant responded to the Board's requests and returned to the ABR on December 3, 2007. At that time the Board still had some concerns regarding a modification that was being request for the garages to be within the interior setback, the entryways in relation to the second story porches, and the second story cantilever above the garages. The Board requested that the applicant continue to study the roof heights to reduce the overall height of the building and study other ways of breaking up the elevations. The Board also expressed a desire for more of a one-story presence to the street.

When the project returned to the ABR on March 24, 2008, the modification request was eliminated from the proposal. The Board commented that some additional design elements such as landscaping and porch columns and railings needed refinement, however, the Board felt that their concerns had been addressed and continued the project to the Staff Hearing Officer. Subsequent to receiving an approval from the Staff Hearing Officer approval, the project will return to the Full Board for Preliminary and Final Approvals.

D. COMPLIANCE WITH THE GENERAL PLAN

Land Use Element

The proposed project is located within the Lower West neighborhood as described in the Land Use Element of the General Plan. The Lower West neighborhood is bounded on the north by Carrillo Street; on the south by Montecito Street; on the east by Highway 101; and on the west by Loma Alta Drive and the base of the Mesa Hills. This neighborhood is the City's most densely settled residential area. At present, the area has a mix of modest single-family homes and apartments; most of the latter have been constructed since 1960. The General Plan has this area designated for twelve dwelling units to the acre. The northern portion is zoned R-3 and the southern portion is zoned R-4. Future residential growth will result in part from the development of some existing vacant land into apartments, and from the redevelopment of some single-family residential and duplex areas into multiple-unit use.

The proposed development would be consistent with the residential density of the General Plan, as well as the character of the neighborhood. The surrounding lots are developed with a mix of multifamily development and single family dwellings. Parking for the project would be provided on site with two covered spaces per unit, consistent with the Land Use Element direction of bringing new development into compliance with the parking requirements.

The proposed project would include the required outdoor private open space, consistent with the Municipal Code and is also directly across the street from Parque de Los Ninos Park. The project is in close proximity to the Harbor and West Beach. Additionally, the project site is approximately three blocks from a Highway 101 pedestrian bridge crossing, which connects this neighborhood to shopping, schools and various cultural and religious institutions. The proposal to construct three new residential condominiums on a vacant lot in an urbanized area of the City is consistent with the General Plan.

Housing Element

Santa Barbara has very little vacant or available land for new residential development and, therefore, City housing policies support build out of infill housing units in the City's urban areas where individual projects are deemed appropriate and compatible. A goal of the Housing Element is to encourage construction of a wide range of housing types to meet the needs of various household types and to assist in the production of new housing opportunities, through the public and private sector, which vary sufficiently in type and affordability to meet the needs of all economic and social groups. The project would be consistent with the Housing Element as it will contribute three (3) new residential units to the City's existing housing stock. The development would provide for homeowner opportunities in a neighborhood with close proximity to the downtown, shopping, parks the beach front and Highway 101 and therefore meets the goals outlined in the City's Housing Element.

Noise Element

The project site is located in close proximity to Highway 101. A review of the City's Noise Contour Map indicates that the project is within an area in which the noise level exceeds 60 dBA Ldn (average A-weighted sound level over a 24-hour day). The guideline for exterior noise levels for residential uses is 60 dBA Ldn. The guideline for interior noise levels for residential uses is 45 dBA Ldn. The applicant provided a Noise Study that concluded the proposed project can comply with the exterior noise guidelines. The applicant successfully demonstrated the project would not exceed these thresholds due to its design and location of the open yard area.

VII. FINDINGS

The Staff Hearing Officer finds the following:

A. THE TENTATIVE MAP (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara. The site is physically suitable for the proposed

development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan, and the proposed use is consistent with the vision for this neighborhood of the General Plan. The design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems as it has been found exempt from CEQA and it is a residential project in a residential neighborhood.

B. THE NEW CONDOMINIUM DEVELOPMENT (SBMC §27.13.080)

- 1. There is compliance with all provisions of the City's Condominium Ordinance.
 - The project complies with the physical standards for condominiums related to parking, private storage space, utility metering, laundry facilities, density, and outdoor living space requirements as described in Section VI.B of Staff Report dated June 24, 2009.
- 2. The proposed development is consistent with the General Plan of the city of Santa Barbara.
 - The project is consistent with policies of the City's General Plan including the Housing Element, Circulation Element and Land Use Element. The project will provide infill residential development that is compatible with the surrounding neighborhood as described in Section V.D of Staff Report dated June 24, 2009.
- 3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate.

Exhibits:

- A. Conditions of Approval
- B. 8.5" x 11" Project Plans
- C. Applicant's letter, dated December 31, 2008
- D. ABR Minutes

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STAFF HEARING OFFICER CONDITIONS OF APPROVAL

505 WENTWORTH AVENUE TENTATIVE SUBDIVISION MAP

In consideration of the project approval granted by the Staff Hearing Officer and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:

- A. **Design Review.** The project is subject to the review and approval of the (Architectural Board of Review (ABR). ABR shall not grant preliminary approval of the project until the following Staff Hearing Officer land use conditions have been satisfied.
 - 1. **Useable Common Open Space.** Adequate usable common open space shall be provided in a location accessible by all units within the development.
 - 2. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
 - 3. **Permeable Paving.** Incorporate a permeable paving system for the project driveway that will allow a portion of the paved area runoff to percolate into the ground, except as necessary to meet Fire Department weight requirements. Materials in driveways and parking areas must be approved by the Public Works Director/Transportation Manager.
 - 4. **Drainage.** The installation of roof gutters and down spouts are to be directed to the proposed retention basin/storm chambers. The walkways pavers and driveway surface shall be designed to be pervious to increase the site's storm water infiltration capability and the landscaped areas shall be graded as depressed/swale areas to increase the site's storm water infiltration capability
- B. Recorded Conditions Agreement. Prior to the issuance of any Public Works permit or Building permit for the project on the Real Property, the Owner shall execute an "Agreement Relating to Subdivision Map Conditions Imposed on Real Property," which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
 - 1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on July 1, 2009, is limited to three (3) condominium units and the improvements shown on the Tentative Subdivision Map signed by the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 - 2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 - 3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.

- 4. **Landscape Plan Compliance**. The Owner shall comply with the Landscape Plan approved by the Architectural Board of Review (ABR). Such plan shall not be modified unless prior written approval is obtained from the ABR. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the ABR, the owner is responsible for its immediate replacement.
- 5. Storm Water Pollution Control and Drainage Systems Maintenance. Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture. infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- 6. **Required Private Covenants**. The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.
 - b. Garages Available for Parking. A covenant that includes a requirement that all garages be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the garages were designed and permitted.
 - c. Landscape Maintenance. A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.

- d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
- e. Gates. Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
- f. Covenant Enforcement. A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- C. **Public Works Submittal Prior to Parcel Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Parcel Map and prior to the issuance of any permits for the project:
 - 1. **Parcel Map.** The Owner shall submit to the Public Works Department for approval, a Parcel Map prepared by a licensed land surveyor or registered Civil Engineer. The Parcel Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an "Agreement Assigning Water Extraction Rights." Engineering Division Staff will prepare said agreement for the Owner's signature.
 - 3. **Required Private Covenants.** The Owner shall submit a copy of the draft private covenants, reciprocal easement agreement, or similar private agreements required for the project.
 - 4. **Drainage Calculations.** The Owner shall submit drainage calculations prepared by a registered civil engineer or licensed architect demonstrating that the new development will not increase runoff amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site.
 - 5. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient

STAFF HEARING OFFICER CONDITIONS OF APPROVAL 505 WENTWORTH AVENUE (MST2007-00345 JUNE 23, 2009 PAGE 4 OF 10

engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants, or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

- 6. Wentworth Avenue Public Improvements. The Owner shall submit building plans for construction of improvements along the property frontage on Wentworth Avenue. As determined by the Public Works Department, the improvements shall include new, and/or remove and replace to City standards, the following: Approximately 26 l.f. of 6 ft. wide sidewalk at back of driveway which is jointly shared with adjacent property owner, including the jointly shared driveway apron modified to meet Title 24 requirements, crack seal to the centerline of the street along entire subject property frontage and a minimum of 20 feet beyond the limit of all trenching, underground service utilities, connection to City water and sewer mains, public drainage improvements with supporting drainage calculations and/or hydrology calculations for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps, provide adequate positive drainage from site. Any work in the public right-of-way requires a Public Works Permit.Removal or Relocation of Public Facilities. Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- D. Public Works Requirements Prior to Building Permit Issuance. The Owner shall submit the following, or evidence of completion of the following to the Public Works Department for review and approval, prior to the issuance of a Building Permit for the project.
 - 1. **Recordation of Parcel Map Agreements**. After City Council approval, the Owner shall provide evidence of recordation to the Public Works Department (prior to issuance of building permits for individual parcels).
 - 2. Approved Public Improvement Plans and Concurrent Issuance of Public Works Permit. Upon acceptance of the approved public improvement plans, a Public Works permit shall be issued concurrently with a Building Permit.
- E. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:

- 1. **Design Review Requirements**. Plans shall show all design, landscape and tree protection elements, as approved by the Architectural Board of Review, outlined in Section A above.
- 2. Grading Plan Requirement for Archaeological Resources. The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

3. Post-Construction Erosion Control and Water Quality Plan. Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.5 above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

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4. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

5. Conditions on Plans/Signatures. The final Staff Hearing Officer Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner		Date
Contractor	Date	License No.
Architect	Date	License No.
Engineer	Date	License No.

- F. Construction Implementation Requirements. All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
 - 1. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
 - 2. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
 - 3. **Haul Routes.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.

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4. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

New Year's Day
Martin Luther King's Birthday
Presidents' Day
Cesar Chavez Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Following Thanksgiving Day
Christmas Day

January 1st*
3rd Monday in January
3rd Monday in February
March 31st
Last Monday in May
July 4th*
1st Monday in September
4th Thursday in November
Friday following Thanksgiving Day
December 25th*

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

- 5. **Construction Parking/Storage/Staging.** Construction parking and storage shall be provided as follows:
 - a. During construction, free parking spaces for construction workers and construction shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - b. Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Greenbook (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - c. Storage or staging of construction materials and equipment within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.

- 6. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
 - a. Site grading and transportation of fill materials.
 - b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
- 7. **Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
- 8. **Gravel Pads.** Gravel pads shall be installed at all access points to the project site to prevent tracking of mud on to public roads.
- 9. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
- 10. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
- 11. **Construction Equipment Maintenance.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
- 12. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
- 13. Unanticipated Archaeological Resources Contractor Notification. Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of

uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- G. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
 - 1. Repair Damaged Public Improvements. Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 - 2. **Complete Public Improvements.** Public improvements, as shown in the improvement/building plans, including utility service undergrounding and installation of street trees.
 - 3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 - 4. **Noise Measurements.** Submit a final report from a licensed acoustical engineer, verifying that interior and exterior living area noise levels are within acceptable levels as specified in the Noise Element. In the event the noise is not mitigated to acceptable levels, additional mitigation measures shall be recommended by the noise specialist and implemented subject to the review and approval of the Building and Safety Division and the Architectural Board of Review (ABR).

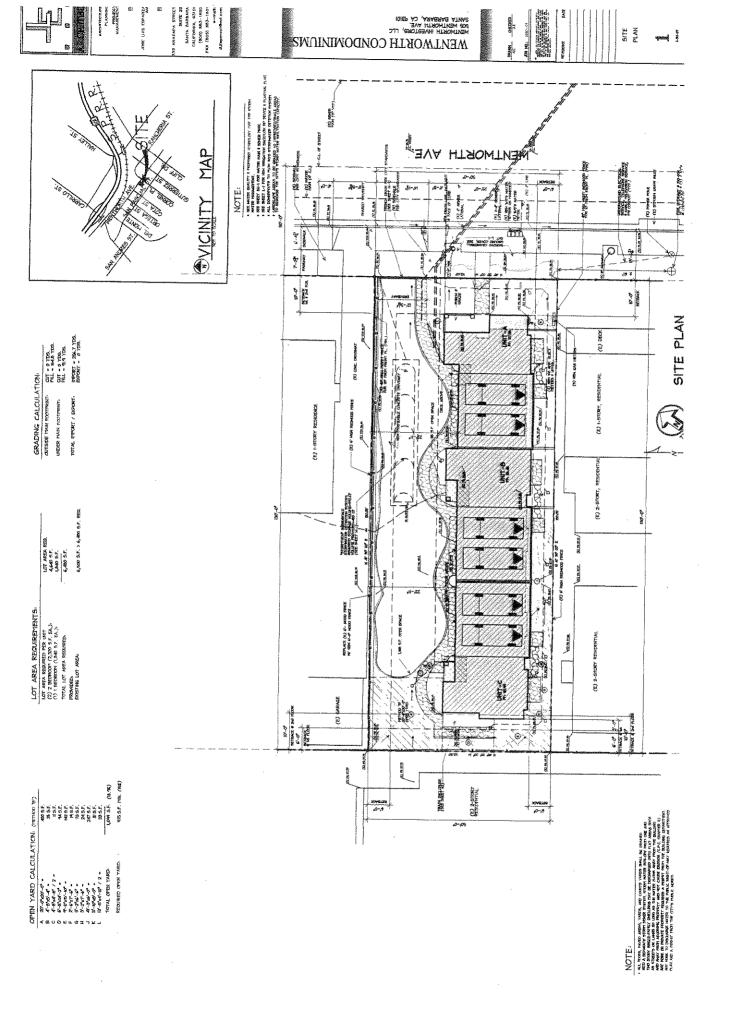
STAFF HEARING OFFICER CONDITIONS OF APPROVAL 505 WENTWORTH AVENUE (MST2007-00345 JUNE 23, 2009 PAGE 10 OF 10

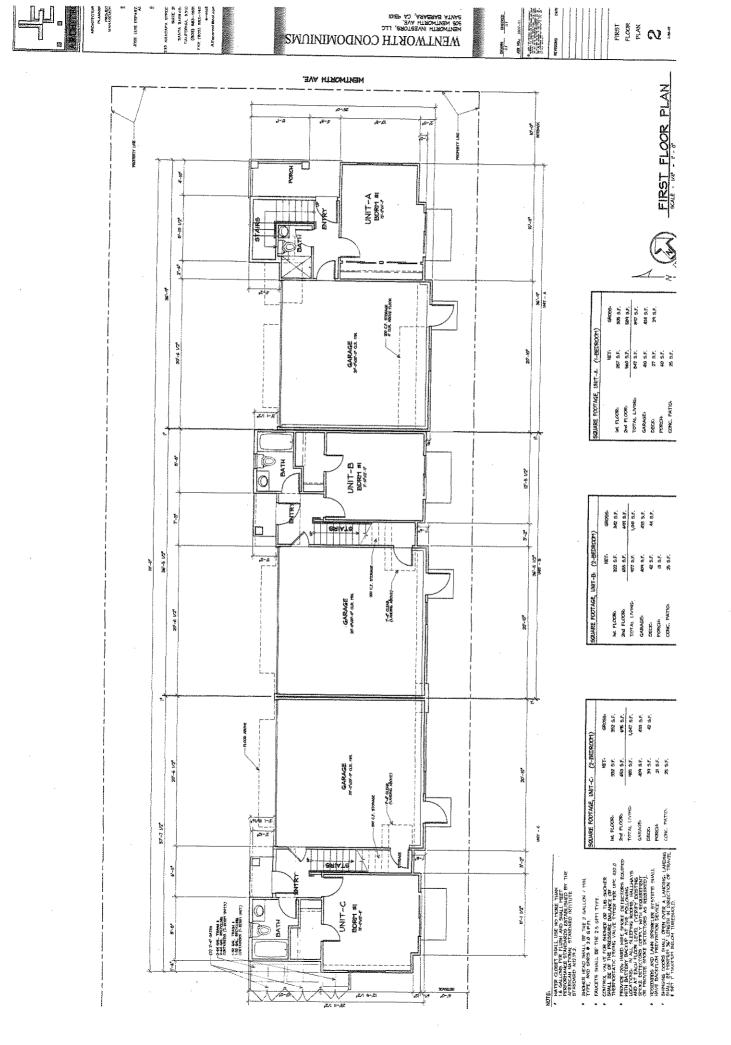
- 5. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided that the private CC&Rs required in Section D have been recorded.
- 6. **Inclusionary Housing Fee**. Evidence shall be submitted that the Owner has paid the required inclusionary housing fee to the Community Development Department. The required fee is \$27,000.
- H. Litigation Indemnification Agreement. In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.

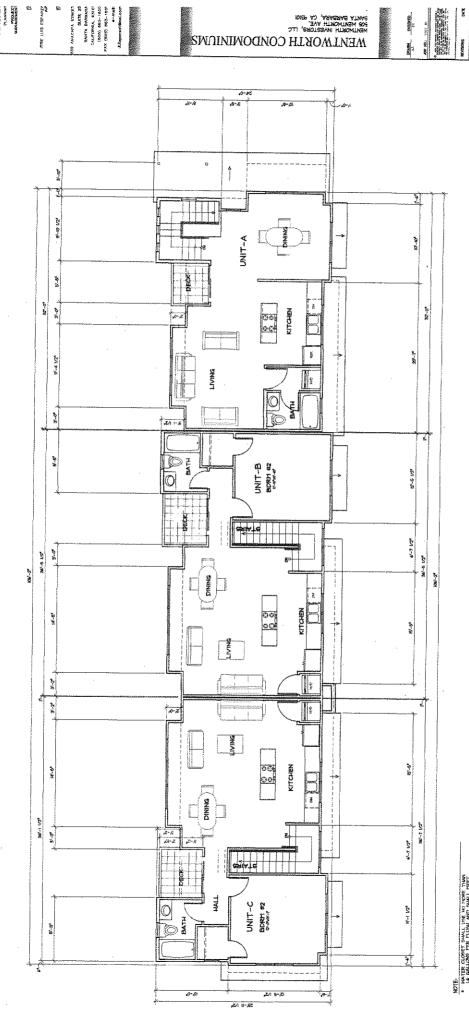
Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Staff Hearing Officer's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110 up to a total of six (6) years as specified in Government Code §66452.6(e).



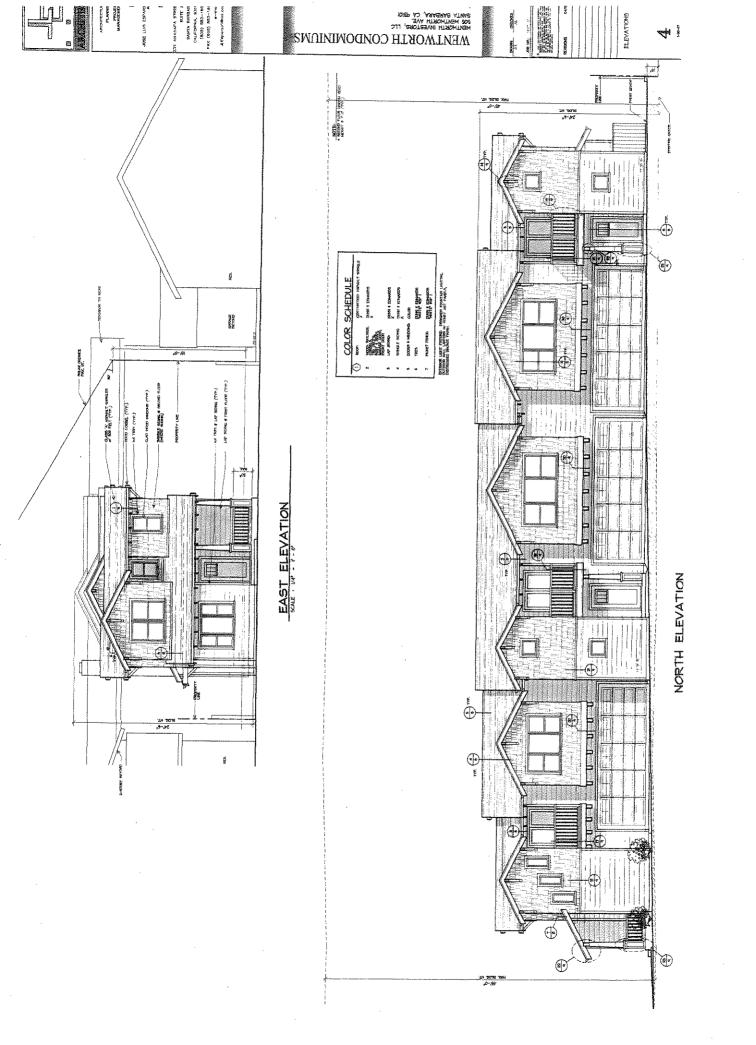




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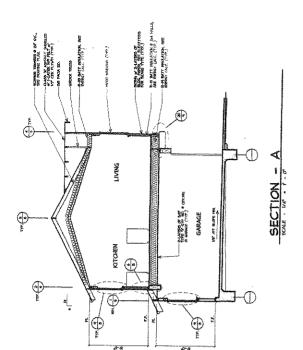
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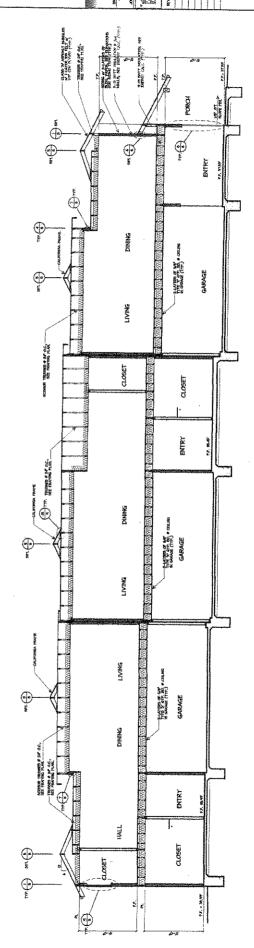




SOUTH ELEVATION

SECTIONS





SECTION - B

Santa Barbara, California 93101 eunevA rhowtneW 208 Wentworth Condo

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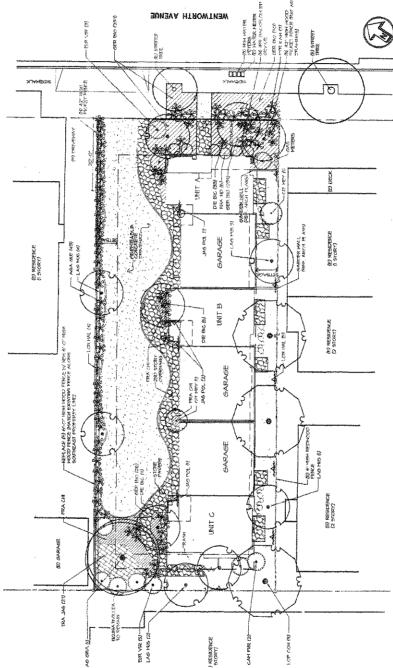
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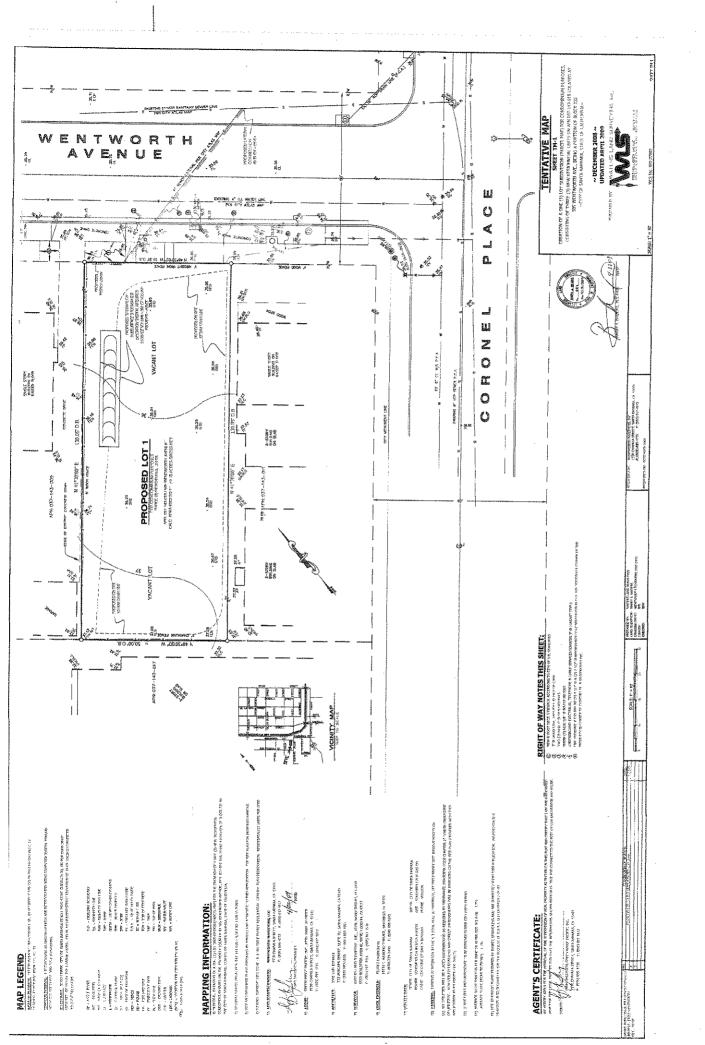
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SCALE: 1/8" = 1'-0"

Ph Nº 0714

PLANTING PLAN



Jose Luis Esparza, AIA Architect

To:

Staff Hearing Officer.

City of Santa Barbara

Re:

505 Wentworth Ave., Santa Barbara, CA.

Accessor's Parcel Number:

037-143-010

Owner.

Wentworth Investors

Date:

December 31, 2008

Dear Staff Hearing Officer.

CITY OF SANTA BARBARA PLANNING DIVISION

On behalf of the owner, I am requesting Tentative Sub-Division Map approval to build 3-new condominiums at 505 Wentworth Ave., Santa Barbara, CA. The proposed project was previously reviewed by the Pre-Application Review Team. A letter with Pre-Application Review Team Comments dated August 31, 2007 is attached for your review. Also attached is letter with response to the comments

The project has received the following pre-application reviews:

Architectural Board of Review

Meeting date: March 24, 2008

Architectural Board of Review Architectural Board of Review

Meeting date: December 3, 2007 Meeting date: August 13, 2007

Positive comments were received at the meeting of March 24, 2008. The project was continued indefinitely to the Staff Hearing Officer and to return to Full Board with response to minor comments.

The project is located in a R-3 zone at the edge of single family, duplex and multi-housing apartments and condominiums. The project will blend in well in the neighborhood filling in a lot that previously had 2-units on it. The project is being designed to impact the neighborhood as little as possible while adding to the architecture of the neighborhood.

The site is located facing the mountains with the freeway and railroad tracks to the North-East. There are homes across the street sheltering the project form those noise sources to the extent that the common open spaces will be within acceptable sound levels. The acceptable interior noise levels can be achieved with standard construction and "acoustical glass" windows. Site drainage and run off water retention have been designed to prevent impact on the existing storm water system, see sheet W-1, W-2, H-1 and H-2.

232 Anacapa St., Suite 2C, Santa Barbara CA 93101, Phone 805 883-1600 FAX 805 883-1601 Members: American Institute of Architects

The lot is currently vacant. The lot is 6,500 s.f. The lot is 50'-0" wide by 130'-0" deep. No demolition is required for this project and no removal of any trees is being proposed. The site currently drains to Wentworth street which has a strom water drain within 40' of site. Two single family residences were demolished in January 1996, Case #BLD95-2436. The 3-new condominiums consist of (2) 2-bedroom and (1) 1-bedroom units. Unit-A is 1-bedroom, 847 s.f., with an attached 2-car garage, 410 s.f. Unit-B is 2-bedrooms, 977 s.f., with an attached 2-car garage, 409 s.f. Unit-C is 2-bedrooms, 985 s.f., with an attached 2-car garage, 409 s.f. We are proposing a new 42" picket fence at the front yard. New 6' wood fence at sides and rear of property. 3-new 5/8" water meters, 3 gas meters and 4-100 amp electrical meters for new condominiums. Utilities to be underground for the project. A landscape plan has been reviewed by ABR. The only outstanding comment from ABR regarding the landscaping is to provide a 36" or 48" box tree at the front yard, the tree is included in submittal.

The project has single family residence to the North-West. Single family residence to the North-east across the street and a park adjacent to that residence. To the South-East, the project is adjacent to a 2-story duplex and a 2-story residence. To the South-West, the project is adjacent to a two story apartment project. There is also a condominium project to the South-East crossing Coronel Street.

The project will require additional exterior lighting. All the lights are to be wall mounted at 7'-0" from finish floor at the following locations:

Adjacent to entry doors.

Adjacent to exterior doors at patios and decks.

Adjacent to exterior doors from garage.

Adjacent to garage doors.

All lights to comply with City Lighting Ordinance.

The project will not create smoke or odors.

The project will not create new noise.

Reports that have been created for the project are Sound Study, Phase 1 Archaeological Report, Soils Report and Hydrology & Hydraulics Study. A copy of all the reports will be provided.

The project does not have any trails through the site or is it near any creeks or water course.

The estimated duration of the project is 12 months. The grading is estimated to take 3-weeks. Construction will require 25 workers using heavy equipment for grading and typical equipment for the duration of the construction. The construction equipment and materials will be stored on site in the driveway area before being placed on building.

232 Anacapa St., Suite 2C, Santa Barbara CA 93101, Phone 805 883-1600 FAX 805 883-1601 Members: American Institute of Architects

The proposed project does not involve the use or disposal of hazardous materials.

Grading proposed for the project is as follows:

Under Building Footprint:

Fill:

91.9 c.y.

Cut:

0 c.y.

Outside of Building Footprint:

Fill:

164.8 c.y.

Cut:

0 c.y.

Grading Totals:

Fill:

256.7 c.y.

Cut:

0 c.y.

Import:

256.7 c.y.

Please call if you have any questions, off.: (805) 883-1600 or cell: 570-7056.

Thank you,

Jose Luis Esparza, AIA.



ARCHITECTURAL BOARD OF REVIEW CASE SUMMARY

505 WENTWORTH AVE

MST2007-00345

R-3 NEW CONDOMINI

Page: 1

Project Description:

Proposal to construct three new two story residential condominiums on an existing 6,500 square foot vacant lot in the R-3 Zone. The proposal includes 2 two-bedroom units totaling 2,128 square feet and 1 one-bedroom unit totaling 1,042 square feet. An attached 438 square foot two-car garage is proposed for each unit. The parcel has a 2% slope and 256.7 yards of grading is proposed.

Activities:

3/24/2008

ABR-Concept Review (Continued)

(Third Concept Review.)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND REVIEW BY STAFF HEARING OFFICER FOR A TENTATIVE SUBDIVISION MAP.)

(Time: 7:03)

Present: Jose Esparza, Architect.

Public comment opened at 7:11 p.m.

A letter from Paula Westbury was acknowledged.

Public comment closed at 7:11 p.m.

Motion: Continued indefinitely to the Staff Hearing Officer and return to Full Board, with the following comments:

- 1) Provide a 36 to 48 inch box tree in the front yard.
- 2) At the street elevation, provide a greater distance between the columns at the porch and the adjacent wall; five feet is suggested.
- 3) On the north elevation, refine the post-to-beam connections at the entrances of the two rear units.
- 4) At front unit on the north elevation, refine the fascia board member as it touches the main portion of the building at the second story.
- 5) On the floor plan, show the railing at the front porch of the front unit.
- 6) Provide a color board, exterior lighting information, and architectural details. Action: Zink/Blakeley, 6/0/0. Motion carried. (Wienke stepped down. Aurell absent.)

(MST ABR Summary.rpt)

Date Printed: June 23, 2009

Page: 2

Activities:

****SCHEDULED RECESS FROM 6:00 P.M. TO 6:20 P.M. ****

3/19/2008

ABR-Resubmittal Received

Replaced sheets Cover (C), 1, 2, 3, 4, 5 & 6. Landscape plan remains the same as the 2/28/08 resubmitted item.

Changed siding at the second floor at the front and rear. Increased rear cable 12" for siding and elevation.

12/3/2007

ABR-Concept Review (Continued)

(2nd Review)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND REVIEW BY STAFF HEARING OFFICER FOR A TENTATIVE SUBDIVISION MAP.)

(4:15)

Present: Jose Esparza, Architect; Mark Jacobsen, Owner.

Public comment opened at 4:25 p.m. As no one wished to speak, public comment was closed.

Straw vote: How many Members do not support the modification for the garages? 2/4/0.

Motion: Continued indefinitely to the Full Board with the following comments:

- 1) The Board is hesitant to support the modification for garages located within the interior setback. Several Board members are concerned that the front garage is too close to the adjacent one-story residence.
- 2) Applicant to look for ways to enhance the south elevation at the garages.
- 3) Refine the entries of Units B and C and their relationship to the porches above.
- 4) Study the second-story cantilever and its relationship to the garage doors.
- 5) Study the roof heights to reduce the overall height of the building; study other ways of breaking up the elevations.
- 6) Provide more of a one-story presence to the street.
- 7) Provide a more traditional trim between the two floors.

Action: Aurell/Blakeley, 6/0/0. Motion carried. (Manson-Hing absent. Wienke stepped down. Sherry served as Chair for review of this item.)

11/7/2007

ABR-Resubmittal Received

thre sets for full board

R-3 NEW CONDOMINII

Page: 3

Activities:

8/13/2007

ABR-Notice Prepared-PC/SHO Req

8/13/2007

ABR-Concept Review (New)

(COMMENTS ONLY; PROJECT REQUIRES ENVIRONMENTAL ASSESSMENT AND STAFF HEARING OFFICER APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR CONDOMINIUMS.)

Time: 7:26

Present: Jose Esparza, Architect; Mark Jacobsen, Owner.

Motion: Continued indefinitely to the Full Board with the following comments:

- 1) Applicant to study the amount of second story massing; at this time the massing is considered excessive. Some elements of concern are: a. the tower elements with their unnecessary volume; b. the overhanging balcony with overhanging second floor; c. and the overly large dining room spaces are possibly adding unnecessary mass. Applicant to study stepping back the upper floor significantly to provide a better street relationship.
- 2) Street presence: the project needs a significant street presence at the entry of first unit.
- 3) Gas meters: relocate to a less conspicuous area.
- 4) Trash area: relocate to more discrete area.
- 5) Provide significant landscape for the project, particularly at garage entry side of the project.
- 6) Provide proper wayfinding floor surface or signage, etc., to the unit entries. Action: Blakeley/Sherry, 7/0/0. Motion carried. (Wienke stepped down.)

(MST ABR Summary.rpt)

Date Printed: June 23, 2009

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